



December 20, 2000

Honorable City Council:

RE: Petition No. 1432
R K Investments, Inc.
Alleys to Easement
public alleys in the block bounded by
Pennsylvania, Cadillac, Edsel Ford Expressway, and Harper

Petition No. 1432 of "R K Investments, Inc." requests the conversion of public alleys, 18 and 20 feet wide, in the block bounded by Pennsylvania and Cadillac Avenues, Edsel Ford Expressway and Harper Avenue into private easements for public utilities.

Planning and Development Department reviewed the public alley closings request.


Traffic Engineering Division - DPW, and Solid Waste Division - DPW approved the requested conversion. The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report:

"R K Investments, Inc." plans to use the paved alley return entrances (into Pennsylvania and/or Cadillac Avenues) and requests such remain in their present status. "R K Investments, Inc." shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The Water and Sewerage Department will require unimpeded access to service their existing facilities. Other city departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Sunday Jayesmi, City Engineer
City Engineering Division - DPW

MCD: AM

Attachment

Cc: Director, Department of Public Works
Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, All of the east-west public alley, 18 feet wide, in the block bounded by Pennsylvania and Cadillac Avenues, Edsel Ford Expressway and Harper Avenue lying southerly of and abutting the south line of the western 1.73 feet of Lot 7, and Lots 1 through 6; also lying northerly of and abutting the north line of Lot 8 of "Kalthoff's Subdivision of Lots 12, 13 and part of Lot 14 of Toms and Butler's Subdivision of Section One of Rear Concessions of Private Claims 257 and 337," City of Detroit, Wayne County, Michigan as recorded in Liber 30 of Plats, Page 28, Wayne County Records; also

All of the north-south public alley, 18 feet wide, in the block bounded by Pennsylvania and Cadillac Avenues, Edsel Ford Expressway and Harper Avenue lying westerly of and abutting the west line of the southern 159.93 feet of Lot 11 of "Toms and Butler's Subdivision of Section One of Rear Concessions of Private Claims 257 and 337, Hamtramck [Township]" City of Detroit, Wayne County, Michigan as recorded in Liber 30 of Plats, Page 28, Wayne County Records; also lying easterly of and abutting the east line of Lots 8 through 13 of "Kalthoff's Subdivision of Lots 12, 13 and part of Lot 14 of Toms and Butler's Subdivision of Section One of Rear Concessions of Private Claims 257 and 337," City of Detroit, Wayne County, Michigan as recorded in Liber 30 of Plats, Page 28, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Pennsylvania and Cadillac Avenues, Edsel Ford Expressway and Harper Avenue lying southerly of and abutting the south line of the eastern 36.89 feet of Lot 11, Lots 9 and 10 of "Toms and Butler's Subdivision of Section One of Rear Concessions of Private Claims 257 and 337, Hamtramck [Township]" City of Detroit, Wayne County, Michigan as recorded in Liber 30 of Plats, Page 28, Wayne County Records; also lying northerly of and abutting the north line of Lot 1 of "Judson Bradway's Cadillac Avenue Subdivision of Lots 19 and 21 of Toms and Butlers Subdivision of Part of Private Claim 337," City of Detroit, Wayne County, Michigan as recorded in Liber 27 of Plats, Page 89, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into a private easement for public utilities of the full width of the alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

SECOND, said utility easement or right-of-way in and over said vacated alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. Free and easy access to the public sewers (12 -inches diameter pipes) and manholes within the utility easement is required for Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer facilities. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

THIRD, said owners of the adjoining property, for themselves, their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, porches, balconies, patios, concrete slabs or driveways, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Water and Sewerage

Department, Fire Marshal, and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon or over said easement, nor storage of materials, nor change of surface grade made, without prior written approval and agreement with the Water and Sewerage Department, and City Engineering Division – DPW,

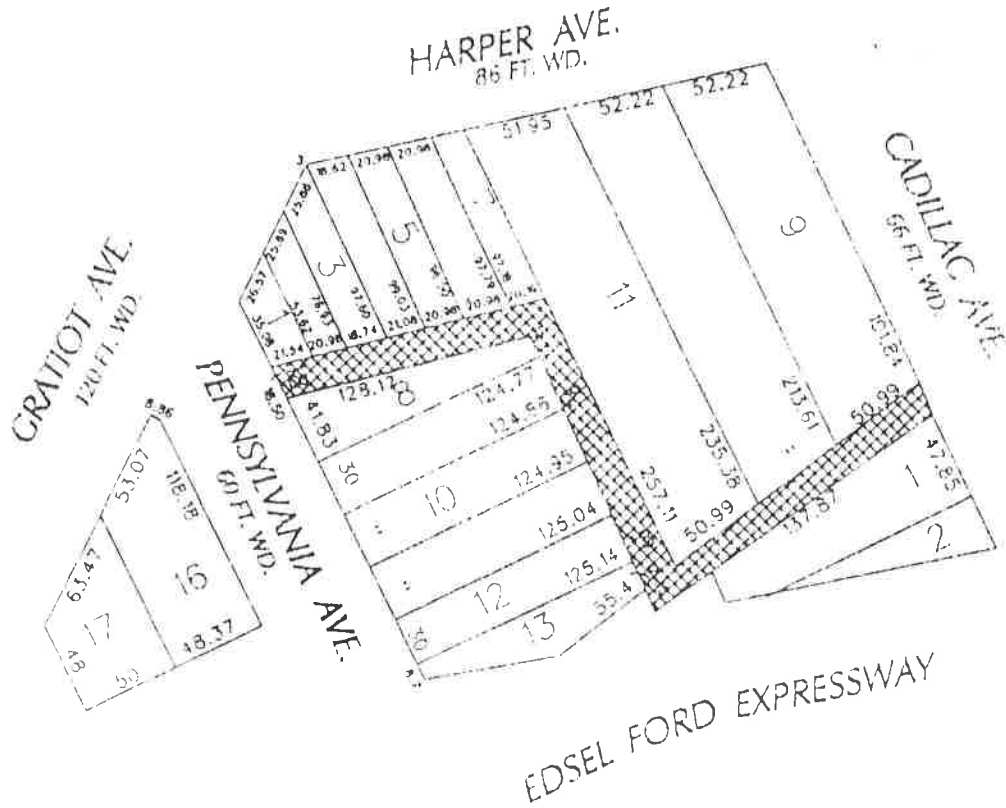
FOURTH, that if the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and shall also be liable for all claims for damages resulting from their action; and further

PROVIDED, That if it becomes necessary to remove one and/or both of the paved alley returns at their entrance (into Pennsylvania and/or Cadillac Avenues), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division - DPW specifications with all costs borne by "R K Investments, Inc." and/or the abutting owner(s), their heirs or assigns; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION No. 1432
 RK INVESTMENTS, INC.
 c/o ELLIAS & ELLIAS, P.C.
 KRISTIN C. THEUT
 5777 W. MAPLE RD., STE. 120
 WEST BLOOMFIELD, MI 48322
 PHONE: (248) 865-8400
 FAX: (248) 865-8790



OUTRIGHT VACATION

CARTO 57 D
 KALTHOFF SUB'N
 TOM & BUTLER'S SUB'N
 JUDSON BRADWAY'S CADILLAC AVE. SUB'N

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

B					
A					
DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE	
REVISIONS					
DRAWN BY	ASM	CHECKED	JDF		
DATE	5-13-99	APPROVED			

REQUESTING OUTRIGHT VACATION OF THE PUBLIC ALLEYS BOUND BY PENNSYLVANIA AVE, HARPER AVE, GRATIOT AVE, CADILLAC AVE, AND THE EDEL FORD EXPRESSWAY.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRAWG. NO. X1432.DCN